

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

TERESA ANN MARTINEZ,

Plaintiff,

No. C 13-00319 WHA

v.

EXTRA SPACE STORAGE, INC., a
Maryland corporation, EXTRA SPACE
MANAGEMENT, INC., a Utah corporation,
and DOES 1 through 100, inclusive,

Defendants.

**ORDER GRANTING
ATTORNEY'S FEES**

On December 16, 2013, an order issued setting forth the protocol the parties were to follow in determining the amount of attorney's fees to be awarded against plaintiff Martinez. The first step required defendants to file a declaration of costs associated with plaintiff's failure to appear for deposition in this action. Defendants submitted said declaration on December 30 requesting \$10,813.50 (Dkt. No. 132). Plaintiff's counsel was then to submit an opposition to this declaration if he doubted its accuracy. No opposition was filed.

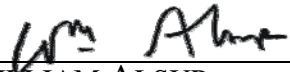
On January 28, an order to show cause was issued stating that the Court was inclined to enter an order for \$10,813.50 and requesting a showing as to why plaintiff's counsel should not be held personally liable for the award. The Court was concerned that plaintiff's counsel in agreeing to the fee had failed to adequately consult with his client.

On February 4, plaintiff's counsel submitted a declaration stating that he had made multiple attempts to communicate with his client and had finally reached her on February 3

(Dkt. No. 136). While Ms. Martinez expresses an interest in not being saddled with the award obligation, she has not presented a valid reason that would relieve her of the obligation. Because plaintiff has not identified any inaccuracies in defendants' award calculation, it is hereby ordered that plaintiff will reimburse defendant for the costs associated with plaintiff's failure to appear for deposition in this action. Judgment for defendants in the amount \$10,813.50 will be entered.

IT IS SO ORDERED.

Dated: February 5, 2014.



WILLIAM ALSUP
UNITED STATES DISTRICT JUDGE